

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALE HERMAN,

Defendant.

) CASE NO. 8:02CR21

) ORDER

This matter comes on to consider the government's motion for reduction of sentence pursuant to Rule 35(b) and request for hearing, Filing No. 308. Having considered the matter,

IT IS ORDERED that:

1. The government's request for hearing, Filing No. 308, is granted.
2. A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) has been set before the undersigned United States district judge on **November 17, 2005 at 1:00 p.m.** in Courtroom No. 2, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
3. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35(b) motion. If retained, counsel for the defendant remains as counsel for the defendant until the Rule 35(b) motion is resolved or until given leave to withdraw.
4. **The Marshal is directed to return the defendant to the district for this hearing. If the defendant at a later date decides to waive his right to be present at the hearing, he may do so (at least 6 weeks prior to the hearing) by contacting his attorney who shall then inform the court and the U.S. Marshal of defendant's decision. In that event, the defendant may participate telephonically in the hearing by informing his attorney, who in turn shall supply this court with a telephone number at which the defendant may be reached for the hearing.**

Dated this 16th day of November, 2005.

BY THE COURT:

s/ Laurie Smith Camp
United States District Judge